



## **GUIDE TO REAL ESTATE INVESTMENT IN ITALY**

by

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### **The role of Notary in real estate contract sale in Italy**

#### **The Notaio (Italian Public Notary)**

The Notaio is the Italian Notary Public by whom all land transfers in Italy have to be signed in front of him, he is independent and impartial because he acts on behalf of both the vendor and the buyer, and he is likely to be appointed by the vendor and makes a lot of the preliminary work on the details of the property.

The role of Notaio is to witness and validate the signature of the title deed (the Rogito) of the immovable property and other administrative functions; the Notaio, is a public official but charges fees for his services.

Only the Notaio can witness the legal deed of sale (Scrittura Privata Autenticata), and performs the task of registering the sale at the land registry (Ufficio dei Pubblici Registri Immobiliari) for tax purposes, in fact, only when the deeds are duly registered at land registry the property officially of buyer.

The Notaio will also inform the local police (Carabinieri or the Questura) of the change of ownership within 48 hours.

Until the sale is lodged at the land registry, the contract (though binding upon buyer and vendor) is not binding upon third parties.

The Notaio does not give legal advice to either the buyer or the vendor.  
The Notaio checks that:

- The vendor is the legal owner of the property and is entitled to sell the house;



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- There are no debts or mortgages on the house;
- There are no written liens or burdens;
- the vendor is aware that they must declare any outstanding private agreements regarding the property: i.e. if the vendor has agreed to allow a neighbor to build or extend within the minimum stated by Italian law or has given to someone a right of way across the property.

### **Notary's fee in Italy**

The buyer will also pay the Notary's fee, which amount is approximately 2,5% of the total declared value of the property, with a minimum charge of approximately €1.700.

The Notaio's fee is legally fixed and is on a sliding scale according to the property sale price, there can be variation between notaries about the fees (from 2% to 4%).

Calculation of Notaio fee under immovable property value		
Value of immovable up to	Minimum fee	Maximum fee
€ 93.000,00	€ 1.681,30	€ 2.428,80
€ 139.500,00	€ 1.805,50	€ 2.617,40
€ 186.000,00	€ 1.933,15	€ 2.830,15
€ 232.400,00	€ 2.029,75	€ 2.991,15
€ 280.000,00	€ 2.157,40	€ 3.203,90
€ 370.000,00	€ 2.254,00	€ 3.364,90
€ 465.000,00	€ 2.478,25	€ 3.738,65

The Notaio will also charge buyer for the following: expenses (Rimborso Spese), searches (Visure), indemnities (Indennità), access rights (Diritti Accessori) and authenticating the documents (Autenticazioni).

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